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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5554/2024**
BHANUPetitioner

Through: Ms. Neha Gund and Mr. Vikas
Panwar, Advocates with petitioner in
person.

versus

THE STATE GOVT. OF NCT OF DELHI AND ANR.

.....Respondent

Through: Mr. Satinder Singh Bawa, APP for
State.
Mr. Dolly Sharma, Advocate for R-2
with R-2 in person.
ASI Sunil Kumar, PS KNK Marg.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **22.07.2024**

CRL.M.A. 21178/2024(Exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 5554/2024

3. The present Petition under Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as "Cr.P.C., 1973"*) has been filed on behalf of the petitioner seeking to quash the FIR No. 121/2022 registered under Sections 498A/406 of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) at Police Station K.N. Katju Marg, Delhi.
4. Issue notice.



5. Mr. Satinder Singh Bawa, learned Additional Public Prosecutor appearing on advance notice, accepts notice on behalf of the State.
6. Ms. Dolly Sharma, learned counsel appearing on advance notice, accepts notice on behalf of the respondent No. 2.
7. Brief facts of the case are that the marriage was solemnized between petitioner and respondent No. 2 on 13.11.2017 according to Hindu rites and ceremonies and no child was born from the said wedlock.
8. It is further submitted that in the year 2018, the respondent No. 2 lodged a complaint before CAW Cell, Delhi which was converted into FIR No. FIR bearing No. 121/2022 under Sections 498A/406 of the IPC, 1860 got registered at Police Station K.N. Katju Marg, Delhi.
9. It is submitted that during the pendency of the litigations, with the efforts of family members, the parties have amicably settled all the disputes and differences between them *vide* Settlement Agreement dated 07.06.2022 which *inter alia* states that: -
 - (i) That the respondent No. 2/wife and the petitioner/husband shall dissolve their marriage by decree of mutual consent under Section 13(B) of Hindu Marriage Act, 1955,
 - (ii) That the petitioner shall pay a sum of Rs. 45,000/- to the respondent No. 2/wife towards full and final settlement,
 - (iii) That the first instalment of Rs. 25,000/- shall be paid at the time of recording of Statement of First Motion Petition,
 - (iv) That all the pending cases against the petitioners shall be withdrawn by the respondent No. 2.
10. It is also stated that the marriage between the petitioner and the respondent No. 2/wife has been dissolved *vide* Decree of Divorce dated



01.09.2022.

11. In view of the Settlement Agreement dated 07.06.2022, the present petition has been filed.

12. The petitioner and the respondent No. 2/wife are present before this Court in-person today, and they have been identified by their counsel and Investigating Officer concerned.

13. It is submitted that Rs. 25,000/- has already been paid to the respondent No. 2 viz., the aforesaid first instalment.

14. It is further submitted that remaining Rs. 20,000/- has also been paid to the respondent No. 2 by the petitioner as per their mutual settlement. Thus, the petitioner has paid all the amounts to the respondent No. 2 towards the full and final settlement, and the same has been acknowledged by the respondent No. 2 who is present in the Court.

15. The parties have submitted that all the disputes have been amicably settled *vide* Settlement Agreement dated 07.06.2022 and thus, no fruitful purpose will be served in continuing with the FIR.

16. However, without prejudice to the rights and contentions of the petitioner, he may seek custody of the child in accordance with law.

17. The present petition has been signed by the petitioner and is supported by affidavit of petitioner. The parties have reaffirmed the terms of the settlement and they also submit that the said settlement has been arrived at between the parties without any pressure and coercion.

18. Today, the complainant/respondent No. 2/wife, who is present in Court, states that she has received all amounts due to her and has no objection if the FIR is quashed.

19. In view of the above facts that the parties have amicably resolved



their differences out of their own free will and without any coercion and also the fact that the present matter is a family matter, no useful purpose will be served in continuing with the proceedings, rather the same would create further acrimony between them. Hence, it would be in the interest of justice to quash the abovementioned FIR and the proceedings pursuant thereto.

20. Moreover, there is no legal impediment in quashing the FIR in question.

21. Accordingly, FIR bearing No. 121/2022 registered at Police Station K.N. Katju Marg, Delhi, for offences punishable under Sections 498A/406 of IPC, 1860 and all consequential proceedings emanating therefrom are quashed.

22. The petition stands disposed of.

NEENA BANSAL KRISHNA, J

JULY 22, 2024/NG